reference to a specific pay scale which would change if the officer is promoted. Similarly, on promotion, the disciplinary authority for an official working in the higher scale may be higher in rank than the disciplinary authority which imposed the punishement in the lower scale. The order of the lower disciplinary authority may not be legally sustainable if it is sought to be implemented in the case of an official in the higher pay scale.

(iii) It will not be in public interest to promote an officer who is undergoing punishment as it would lead to a piquant situation where the officer is punished on one hand in the lower post and is rewarded on the other hand with promotion.

(b) The Supreme Court disposed of the SLP without going into the question of the validity of the Government's instructions in the matter since the judgement of the Tribunal had already been implemented.

(c) The Supreme Court has considered the issue raised in the above S.L.P. in Civil Appeal No 4718/91 (U.O I. & ors. Vs. K. Krishnan) and upheld Government's instructions in the matter. The Supreme Court held that the view taken by the Tribunal holding that forbidding the promotion of a state employee during the currency of the penalty results in a second punishment is not correct. There is only one punishment visiting the employee as a result of the conclusion reached in the disciplinary proceedings leading to the withholding of increment and the denial of promotion during the currency of the penalty is merely a consequential result thereof, Supreme Court further held that the view that a Government servant for the reason that he is suffering from a penalty or a disciplinary proceedings cannot at the same time be promoted to a higher grade is a logical one. There is no reason to codemn it as unjustified, arbitrary or in violation of Article 14 & 16 of the Constitution of India.

Application of C.P.A. to Medical Profession

5626. SHRIMATI BASAVA RAJESWARI:
DR. Y.S. RAJASEKHAR REDDY:

Will the PRIME MINISTER be pleased to state :

(a) whether the Government have received a representation from the Indian Medical Association, New Delhi regarding the applicability of Consumer Protection Act, 1986 to medical profession;

(b) if so, the nature of their grievances; and

(c) the reaction of the Government thereto?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI KAMALUDDIN AHMED): (a) to (c) Government has received a representation from the Indian Medical Association wherein they have raised the following objections regarding applicability of Consumer Protection Act to the medical profession:

(i) that medical profession cannot be equated with any trade selling commodity.

(ii) medical profession comes under 'contract for personal services' under section 2(1) (o) of the Act and therefore, exempted from the Consumer Protection Act. 1986.

(iii) there is specific agency namely Medical Council of India and State Medical Council which have statutory powers to award punishment for alleged miscon-

duct and negligence against medical professionals.

All the services which are hired for a consideration are covered under the Consumer Protection Act, 1986. The National Consumer Disputes Redressal Commission *in a judgement has held that contract of* personal services stems from master-servant relationship. The relation between a patient and the professional doctors does not come with in that category. Further Consumer Protection Act, only provides for additional remedy to the consumers for the redressal of their grievances against services which are hired for a consideration. It is for the consumer to decide the forum where he wants to seek redressal.

Supreme Court Judgement of Compulsory Retirement

5627. SHRI SANAT KUMAR MANDAL:
SHRI JEEWAN SHARMA:

Will the PRIME MINISTER be pleased to state :

(a) whether the Government have since studied the implications of the recent Supreme Court judgement that the Government can compulsorily retire its employees without assigning any reason or following the principles of natural justice;

(b) if so, the outcome thereof;

(c) the follow-up action being taken thereon;

(d) whether this matter has been discussed with the Staff Associations also; and

(e) if so, the reaction thereto?

THE MINISTER OF STATE IN THE *MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRIMATI* MARGARET ALVA): (a) to (e). Yes, Sir. The Supreme Court judgement dated 19th February, 1992 in the case of Shri Baikuntha Nath Das & another Vs. Chief District Medical Officer Baripada & another, has clarified the legal issues involved in the existing Govt. instructions on the subject. These have been noted by the Govt. and no special action on them is called for.

Poverty Alleviation Programmes

5628. SHRI MANIKRAO HODLYA GAVIT:
SHRI BABU HARI CHAURE:

Will the Minister of PLANNING AND PROGRAMME IMPLEMENTATION be pleased to state :

(a) whether the Government propose to pay greater attention under poverty alleviation programmes to the backward, drought prone, desert, hilly and tribal areas by introducing micro planning reaching to the district and block level;

(b) if so, the details regarding its progress during the Seventh Five Year Plan period, particularly in the State of Maharashtra; and

(c) the schemes whcih are proposed to be undertaken for up lift of backward areas in the State of Maharashtra?

THE MINISTER OF STATE OF THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) Statements I and II giving the financial and physical performance under various poverty alleviation programmes in rural areas of the country and in Maharashtra State